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January 19, 2016

VIA ECF FILING
United States District Court
Northern District of New York
James T. Foley U.S. Court House
445 Broadway
Albany, NY 12207-2974

Att: Magistrate Judge Daniel J. Stewart

Re : Civil Action No. 1:14-cv-434
Gorman v. Rensselaer County et. Al

Dear Magistrate Judge Daniel J. Stewart,

In anticipation of tomorrow's conference I am writing to apprise the Court of the current status of discovery.

On August 20th of 2015 the Defendants were served with Plaintiffs First Document request. On September 20th 2015 Plaintiff requested a discovery conference to compel discovery.

On November 6, 2015 Plaintiff requested a discovery conference because as part of their discovery response Defendants promised to provide a missing audio file via email and thy never did. Additionally Defendants provided an audio CD which did not contain what it purported to. At the Discovery conference Mr. Martin informed the court in form or substance that he was trying to attain the disposition record from District Attorney's office, that he would email the missing audio file, and get the correct version of the other CD.

It has been 6 months since the Defendants were served Plaintiffs First Discovery Request and they have yet to comply fully with the request.

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Plaintiffs Second Document Request was served on October 9, 2015. The Defendants Response was due November 9, 2015. I have inquired of Mr. Martin several times as to its status and have received no answer. Defendant's response is more than 3 months late.

On December 4, 2015 this Court denied Plaintiffs request for a Discovery conference and ordered that the parties meet/confer and update the court by December 28th.

On December 16, 2015 I had a phone conference with Mr. Martin in compliance with the Court's order. In that phone conference Mr. Martin indicated that Defendants' second discovery response was near completion and should be out to me by that Monday 12/18/2015. Unfortunately I never received the missing responses from Plaintiffs First Document request or any response to Plaintiffs second document request. In fact until last week I hadn't heard from Mr. Martin at all.

Whatever reason Mr. Martin may have for not complying with discovery after December 16, 2015 it still does not explain nor excuse his failure to provide any response to Plaintiffs discovery requests which were served on August 20th and October 9th and due on September 20th and November 20th respectively.

Lastly I have requested the Defendants consent to depose 12 Deponents and the Defendants have refused to consent the same. Therefor one of the discovery subjects I will raise tomorrow will be Plaintiffs request to Depose 12 deponents.

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Respectfully Submitted,

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